

NH Dredge Management Task Force Meeting Minutes – September 12, 2007

The meeting was held on Wednesday, September 12, 2007 from 1:30 PM to 3:00 PM at the Department of Environmental Services (DES)/New Hampshire Coastal Program (NHCP) Office, 50 International Drive, Pease Tradeport, Portsmouth, NH.

Introductions/Announcements– Chairman Chris Williams asked members to introduce themselves. The list follows.

Attending members:

Robert Boeri, Massachusetts Office of Coastal Zone Management
Liz Chamberlain, Senator Sununu
Martha Fuller Clark, NH State Senator, District 24
Caroline Ganley, Congresswoman Shea-Porter
Olga Guza, Environmental Protection Agency (EPA)
Richard Heidebrecht, U.S. Army Corps of Engineers (ACOE)
Beverly Hollingworth, Executive Councilor, District 3
Richard Holt, Portsmouth Pilots
Clare McBane, NH Fish and Game Department (NHF&G)
Ryan McCarthy, ENSR
Dean Peschel, City of Dover
Tracy Shattuck, Pease Development Authority, Division of Ports & Harbors (PDA-DPH)
Alyssa Shooshan, Senator Gregg
Fred Short, UNH - Jackson Lab
Michael Sills, DES
Michael Walsh, ACOE

Guests:

Sheridan Brown, Senator Sununu
John Hardy, Little Bay Boating Club
Chris Nash, DES Shellfish Program
Nancy Stiles, NH State Representative, Hampton

Staff:

Chris Williams, Chairman, NH Coastal Program (NHCP)
Mary Power, NHCP

Legislative Update- Congressional Staff, ACOE – Alyssa Shooshan (Senator Gregg) stated that the Senator was able to secure a \$3 million earmark in the Energy and Water Appropriation Bill for the Cocheco River maintenance dredging project. The bill made it out of committee in June and must still be acted on by the full Senate. Shooshan is unsure when this will happen. Caroline Ganley (Congresswoman Shea-Porter) stated that the House of Representative's version of the Energy and Water Appropriations Bill,

which was approved by the House, authorizes \$1.8 million for the Cocheco project. The differences between the House and Senate bills will need to be worked out after the full Senate votes on the bill. Chairman asked Mike Walsh (ACOE) if the current \$3 million Senate committee appropriation would allow the ACOE to complete the project and fully reimburse the City of Dover for user fees for the disposal facility. Walsh stated that the total remaining project costs are \$3.8 million. Shooshan stated that she had just received a message from the Senator's DC office indicating that there is no specific timeline when the Senate's Energy and Water Appropriation Bill will come before the full Senate.

Chairman asked Liz Chamberlain (Senator Sununu) if she had anything to add. She stated that in April Senators Sununu and Gregg wrote to the ACOE Atlantic Division requesting the status of the remaining \$159 thousand of previously appropriated funds to complete Phase II of the NH Comprehensive Upland Dredge Material Disposal Study. The Senators have still not received an answer from the ACOE. Chamberlain then introduced her colleague, Sheridan Brown, who will be taking over for her because she has taken a different position within the Senator's office. She will continue to work out of the Portsmouth office.

Chairman asked Ganley if she had anything to add. Ganley stated that the House Energy and Water Appropriations bill, which passed the full House, contains the following appropriations: Portsmouth Harbor/Piscataqua River Feasibility study \$200 thousand; Hampton Harbor Improvement Project \$170 thousand; Hampton Harbor Maintenance \$120 thousand; Cocheco River Maintenance \$1.8 million; and the Wiswall Dam \$400 thousand. She reiterated that the House version of the bill will need to be reconciled with the Senate version.

Project Updates –

- **Sagamore Creek Maintenance Dredge** - Mike Walsh (ACOE) said the next step in the process is to conduct coordination for approvals (e.g., 401 Water Quality Certificate, Coastal Zone Management Act Federal Consistency, fisheries (NMFS & NHF&G), etc.) and prepare an environmental assessment. The ACOE will then be in a position to secure funding for plans and specifications. Chairman asked about the timing of the coordination process. Walsh stated that it will depend upon the nature of the responses the ACOE receives from the coordinating agencies, however, he guesses that it will be within the next six months.

- **Cocheco River Maintenance Dredge** - Mike Walsh (ACOE) stated the ACOE completed dredging through the lower narrows this past spring. He hopes to be able to reprogram funds from navigation projects in New England that have extra funding to help pay some of the user fees to the City of Dover for the disposal facility. Discussion followed. Dean Peschel (City of Dover) said the City is pleased to hear that the ACOE is searching for ways to pay the user fees. He stated that the City is due about \$1 million in user fees for material that has already been put into the disposal facility, which the City continues to operate. While the City is optimistic that the maintenance dredging project will be completed, it will continue to look for other sources of dredge materials to put

into the facility cell so that it can be fully utilized. Olga Guza (EPA) asked if the City would take dredge materials from other states. Peschel indicated that the City would accept such materials. Chair asked about project timing if funding is approved. Walsh stated that the ACOE would not be able to begin this dredging season. Even if the ACOE's budget was passed by October 1st there is a lag time before they receive the money. Because the ACOE can't advertise the job until the money is in hand, the soonest dredging operations could begin again would be November 2008. Walsh stated that it is critical that the ACOE receive the funding as soon as possible so they can get a contract awarded and a contractor in place to start on November 15, 2008, the beginning of the 2008 dredge window.

Fred Short (UNH) asked if water quality monitoring is being conducted as part of the project. Walsh said that there has not been any to date. Short stated that eelgrass needs light during the winter to survive and that prolonged periods of turbidity would cause eelgrass to die. He asked if a turbidity meter could be installed downstream in the Piscataqua during the next round of dredging. Short went on to say there is a legislative commission that has been established to look into the sources of siltation/turbidity in the Great Bay estuary. Walsh agreed to work with Short to find an appropriate location for a turbidity meter.

Chairman asked Walsh about the type and quantity of material that remains to be dredged. Walsh said there is approximately 14,400 cubic yards of "soft" sediment (sand & mud) below the lower narrows. He also stated that he's hopeful that the ACOE can retain the same dredging contractor that conducted the work this past year. Walsh stated that using a contractor familiar with the river would expedite the process.

- **Piscataqua River Turning Basin Feasibility Study** - Richard Heidebrecht (ACOE) stated that the ACOE currently has a barge on site in the turning basin expansion area from which three borings have been conducted. Surprisingly, none of the borings, which terminated at -41 feet, hit bedrock. The borings are revealing primarily till material. The ACOE has also conducted one probe, which didn't hit bedrock until -61 feet. Two other probes are planned. Heidebrecht stated that the ACOE may have to increase the density of the probes to confirm the apparent lack of shallow bedrock in the area. He also stated that the ACOE has conducted a seismic study, an extensive benthic survey of the area, a new condition survey, and an archeological survey, which did not discover any cultural resources. Chairman asked what type of work remains. Heidebrecht stated that a sampling analysis plan has been approved as part of the scope of work. The ACOE has identified nine sediment sampling sites.

The chair reiterated that the House has authorized \$200K to continue the feasibility study. He asked Heidebrecht what the ACOE's next steps would be assuming this money becomes available. Heidebrecht stated that the ACOE would have to conduct an alternatives analysis of other possible sites for the turning basin. Walsh asked if the project has to be authorized by Congress. Heidebrecht stated that it did. Chairman then asked if the disposal options would change since it appears that the material is primarily till and not bedrock as anticipated. Heidebrecht state that it would not and that the ACOE

would continue to search for appropriate upland disposal sites. Guza (EPA) recommended that every state have its own dredge material disposal site and added that clean dredged materials should be stockpiled for future use. Discussion followed.

- **Hampton Section 107 Feasibility Study Report & Future of Half-Tide Jetty -**

Chairman asked Heidebrecht (ACOE) to provide an update. Heidebrecht stated that the Hampton Harbor Improvement feasibility study report is complete. He stated that there is justification for the ACOE to assume responsibility for maintaining the commercial anchorages. He stated that the ACOE is, however, concerned with the unexpectedly high rate of shoaling that is occurring in the harbor. He stated that the ACOE believes that some of the material is originating from the area behind the half-tide jetty. The ACOE does not want to inherit a maintenance nightmare. As a result, the ACOE may include the reconstruction of the half-tide jetty in the Environmental Assessment for the Section 107 improvement project. Mike Walsh (ACOE) asked if the half-tide jetty was constructed by the state. Heidebrecht stated that it was. He stated that the jetty was supposed to be maintained by the state but has not been. Chairman asked if the ACOE's decision to assume responsibility for future maintenance of the commercial anchorages would be contingent upon reconstruction of the half-tide jetty by the state. Heidebrecht stated that it is being discussed. Heidebrecht continued by stating that the feasibility study report must still go through an internal review process.

Heidebrecht then stated that plans and specifications will cost approximately \$170 thousand. Chair confirmed that the state's responsibility for the plans and specifications is \$20 thousand. He asked Tracy Shattuck (PDA-DPH) if PDA-DPH has identified a source for the money. Shattuck that PDA-DPH is currently reviewing this issue. Chairman stated that if the half-tide jetty is going to be included as part of the improvement project, the cost to reconstruct the jetty will be incurred solely by the state. He stated that such a cost would likely require a capital budget request. Chairman then suggested that PDA-DPH meet with the ACOE soon to discuss the issue. Heidebrecht and Shattuck agreed that such a meeting was necessary.

Other Business -

- **Little Harbor and Rye Harbor Hydrographic Condition Surveys -** Walsh (ACOE) stated that the surveys will be complete within a few weeks. Chairman informed members that Senator Gregg's office had recently informed him of a complaint it had received about shoaling in Rye Harbor. He continued by saying that Shattuck (PDA-DPH) and the Rye Harbor Master have confirmed that shoaling is occurring in the harbor. The ACOE agreed to survey Rye Harbor because they were in the area surveying Little Harbor.

- **NH House Bill 216: Establishing a Commission to Study Sedimentation in the Great Bay Estuary –** Chairman stated that legislation (HB216) signed by the Governor in May established a commission to look at the sources of siltation in Great Bay. There are varied interests on the commission including, state representatives, UNH, NHCP, PDA-DPH, NHF&G, and commercial and recreational users of Great Bay. One of the commission's charges is to utilize the expertise of federal agencies, including EPA,

National Marine Fisheries Service, ACOE, US Fish & Wildlife Service, and the US Geological Survey. Chair stated that since many of the commission members and aforementioned federal agencies are members of the NH Dredge Management Task Force (DMTF), the commission will be looking to the individual and collective expertise of the DMTF members for guidance and information. Walsh asked if it will be on an as-needed basis or if it will be more formal. Chair said he expects it will be on an as-needed basis. Guza (EPA) stated that both the EPA and ACOE have significant amount of expertise in the area of sedimentation. She stated that John Winkelman at the ACOE is an expert in this subject area. Discussion followed.

- **Other items**

EPA (Guza) stated that New Hampshire needs to move forward with choosing a new dredge material disposal site because the Cape Arundel site will be closed in four years. She stressed that it takes several years to identify and designate a site. She cautioned against waiting to the last minute to begin the process. Chairman stated that NHCP has written letters to the Congressional delegation regarding this issue. Guza stated that EPA would prefer to avoid placing the new site in state waters. Chairman stated that the NHCP would make every effort to ensure that the federal agencies are aware that the state is interested in finding a new disposal site. Discussion followed.

Fred Short (UNH) asked if there is a plan in effect regarding the placement of moorings in Great Bay. He is concerned about the proliferation of moorings in the estuary, particularly in areas with eelgrass beds. Tracy Shattuck (PDA-DPH) stated that their primary statutory consideration regarding mooring placement is safety to navigation. PDA-DPH is not required by statute to consider the potential environmental impacts of mooring installation. He stated that currently if an individual requests a mooring in Great Bay PDA-DPH is required to authorize it as long as it doesn't pose a navigation hazard and as long as there is available space in the mooring field. Shattuck said his staff members have talked about creating a process that would allow PDA-DPH to utilize input from environmental experts when making decisions regarding mooring installation. Liz Chamberlain (Senator Sununu) asked if PDA-DPH could require applicants to install eelgrass-friendly moorings in those areas where eelgrass beds have been identified. Shattuck stated that they are not legally required to do so. Chairman suggested that the DMTF work with PDA-DPH to create a process, perhaps through changes to PDA-DPH's administrative rules, that would give PDA-DPH the ability to consider the potential environmental impacts of moorings, during review of a mooring application. Chairman stated that he would follow-up on this issue with PDA-DPH, UNH and the DES Shellfish Program.

- **Little Bay Boating Club** - Chairman asked John Hardy, owner of the Little Bay Boating Club, to speak about his interest in conducting maintenance dredging in/around the boating club. Hardy discussed the history of the marina/boating club including, its ownership, uses and site maintenance. He is proposing to conduct maintenance dredging to improve access to the existing boat slips and pump out station. According to Hardy,

approximately 60% of the boat slips and the pump out station cannot be accessed at low tide due to shoaling. He stated that he believes the shoaling is the result of sediment from the Bellamy River being deposited in and around the marina. Discussion followed. Members offered suggestions and information on issues such as sediment testing, potential eelgrass, fish, and shellfish impacts, historic resources, time of year restrictions, and the state and federal permit processes. Chairman listed the state and federal agencies that would likely be involved in the process and recommended that Hardy begin by contacting the DES Wetlands Bureau and the ACOE.

- Schedule next DMTF meeting. December 12, 2007, 1:30 DES/NHCP Office, Pease Tradeport, Portsmouth, NH. **(Meeting date later changed to January 9, 2008, same time and location)**

Adjourned 3:05 PM